Wheeler, vs. Wheeler, } In Baltimore County Court, sitting as a Court of Equity. ordered this thirteenth day of April 1843, that the sale heretofore made and reported by James M Buchanan, Trustee, be finally ratified and confirmed, and that the said Trustee be allowed the sum of seven dollars and seven cents ($7.07) for commissions on said sale, and seven dollars and twenty five cents for expenses incurred by him in making said sale.

R. B. Magruder."

And afterwards, to wit, on the twenty second day of April, in the year last aforesaid, and during the term aforesaid, the auditor filed in said cause the following report and account, to wit.

Benjamin Wheeler, vs. Richard L Wheeler, } In Baltimore County Court, sitting as a Court of Equity. The auditor reports to the Court, that he has examined the papers and proceedings in this cause & from them states the within account which is respectfully submitted, Baltimore April 22d 1843.

T. Parkin Scott, auditor."

Dr. The life estate of Richard L Wheeler in account with James M Buchanan, Trustee.

To the trustee for his commissions	$7.07	
and expenses	7.25	$14.32
To the complainant for costs as taxed viz: attorney	10.	
Sheriff	39	
Clerk	16.65	
Tax	2.00	29.04
To the auditor for his fee	4.67	$48.03
To the complainant for the balance, in part payment of his claim		52.97
		$101.00

Cr.

1841 Oct. 8, By amount of sale then made as per report filed $101.00"

The said cause, so standing, was continued until the may term of the said Court, in the year of our Lord, one thousand eight hundred and forty three, and on the second day of May in the same year, and during the said term, the Court passed the following order on the report and account of the auditor aforesaid, to wit, "Ordered by the Court, this second day of May 1843, that the aforegoing account be finally ratified and confirmed as reported by the auditor, and the proceeds of sale applied accordingly, unless cause to the contrary be shewn within ten days from this date.

R. B. Magruder."

And afterwards, to wit, on the twelfth day of May in the year aforesaid and during the term aforesaid, the Court passed the following order of final ratification of the report and account of the auditor aforesaid to wit, Ordered by the Court this twelfth day of May 1843. that the aforegoing account be finally ratified & confirmed as reported by the auditor and the proceeds of sale applied accordingly, no cause to the contrary having been shewn.

R. B. Magruder.

And thereupon the aforesaid Charles B Gorsuch and Mary his wife by their solicitor aforesaid prayed an appeal from the order of

the Court heretofore passed in this cause overruling the exceptions of the said Charles B Gorsuch and wife, to the ratification of the sale made and reported by the Trustee aforesaid, and filed in said cause the following prayer of appeal, to wit:— "In Baltimore County Court in Equity. Benjamin Wheeler vs Richard L Wheeler. 14. Nov 1840 Bill f.d 7th June 1841. Decree f.d 21st March 1842 trustees report of sale f.d 16th April 1842 Exceptions of Charles B Gorsuch and Mary his wife to ratification of sale, 30th November 1842 Exceptions overruled with costs. W. Hell. Enter an appeal from the order of Court overruling exceptions filed by Charles B Gorsuch and Mary his wife, in the above case.

J. H. B. Latrobe, for appellant."

which prayer was by the Court here granted, and the appeal entered accordingly. It is therefore ordered by the Court here, that a transcript of the record and proceedings in the cause aforesaid with all things thereunto relating, be transmitted to the said Court of Appeals, and the same is transmitted accordingly.

Test. Thos. Hell, Clk.

In Testimony that the aforegoing is a full and true transcript of the proceedings in the cause aforesaid, taken from the record of proceedings of Baltimore County Court, as a Court of Equity.

I have hereto subscribed my name and affixed the seal (Seal) of said Court this twenty third day of May, eighteen hundred and forty three.

Thos. Hell, Clk of Balt: Coty Cot.

And now come into the Court of Appeals here, as well the said Charles B Gorsuch and wife by John H. B. Latrobe their attorney as the said Benjamin Wheeler and Richard L Wheeler by Robert N. Martin their attorney, and thereupon, on motion of the said Benjamin Wheeler and Richard L Wheeler by their attorney aforesaid it is ruled by the Court here, that the said Charles B Gorsuch & wife assign the errors in the record of proceedings aforesaid, or in the giving the Decree aforesaid, so as aforesaid brought before the Court of Appeals here, for correcting the errors supposed to be therein, or judgment by the Court of Appeals here, will be entered against them in default thereof. And the said Charles B Gorsuch and wife by their attorney aforesaid, say that in the record of proceedings aforesaid, and also in the giving of Decree aforesaid, there is manifest error in this, to wit, that by the record aforesaid, it appears that the Decree aforesaid, in the cause aforesaid given, was given for the said Benjamin Wheeler and Richard L Wheeler against the said Charles B Gorsuch & wife when by the law of the land, that Decree ought to have been given for the said Charles B Gorsuch & wife against the said Benjamin Wheeler and Richard L Wheeler therefore in that there is manifest error, and they pray that the Decree aforesaid for that error, and others being in the record of proceedings aforesaid, may be reversed annulled, and held entirely as void, and that they the said Charles B Gorsuch and wife, may be restored to all things which they have